IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 8008 of 2002

Between:

Toddy Tappers Co-operative Society,

Rep. by its President Koti Swamy, S/o. Mallaiah,
(Regn. No. 915 T.K.), Rajipet,
Narsampet Mandal, Warangal District.

..... PETITIONER

AND

1 The Commissioner of Prohibition & Excise, Government of A.P.,
Nampally, Hyderabad.
2 The Superintending, Prohibition & Excise Department,
Warangal, Warangal District.
3 The Inspector, Prohibition & Excise Department,
Narasampet, Narasampet Mandal,
Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to declare the action of the respondent No.2 in rejecting the application dt. 10.4.2002 submitted by the petitioner society for renewal of license for running the TCS Toddy Shop at Rajipet, Narasampet Mandal, Waranga District for the excise year 2002-2003 vide impugned Proceeding Rc.No. 18/2001/Ex/B5 dt. 19.4.2002 as arbitrary, illegal, being violative of Article 19(1)(g) and Article 21 of the Constitution by way of issuance of writ, order or direction, one more particularly in the nature of Writ of Mandamus and consequently direct the respondents to renew the license for the said TCS Toddy Shop at Rajipet, Narasampet Mandal, Warangal District for the excise year 2002-2003 forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.PRABHU NATH VASIREDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORDER:

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The petitioner submitted an application on 10.04.2002 for grant of licence for running a toddy shop under the Toddy Tappers Cooperative Societies Scheme. The same was rejected by proceedings dated 19.04.2002 by the second respondent observing that as per the standing instructions issued by the Commissioner of Prohibition and Excise, the licences of Tappers Cooperative Societies in tribal areas cannot be renewed in favour of non-tribals. This order is assailed in the writ petition.

The petitioner sought licence for the year 2002-2003. In that view of the matter nothing survives in the writ petition. The writ petition is therefore, dismissed as infructuous. If so advised, it shall be open to the petitioner to challenge the policy of not permitting the non-tribal toddy tappers to open toddy shops in tribal areas. No costs.

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(V.V.S.RAO, J)

05.07.2005

vs

To

1 The Commissioner of Prohibition & Excise, Government of A.P.,
Nampally, Hyderabad.
2 The Superintending, Prohibition & Excise Department,
Warangal, Warangal District.
3 The Inspector, Prohibition & Excise Department,
Narasampet, Narasampet Mandal,
Warangal District.

4 Two CCs to the G.P for Prohibition and Excise, High Court of A.P.,
Hyderabad(O.U.T).

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